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MALIN HALEY AND DIMAGGIO, PA
1936 S. ANDREWS AVENUE
FORT LAUDERDALE, FL 33316

In re Application of
Fink Ronald et al
Application No. 10/065,131
Filed: September 19, 2002
Attorney Docket No. 65564816

NOTICE

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28. On September 1, 1998, the Court of Appeals for the Federal Circuit held that 37 CFR 1.28(c) is the sole provision governing the time for correction of the erroneous payment of the issue fee as a small entity. See DH Technology v. Synergystex International, Inc. 154 F.3d 1333, 47 USPQ2d 1865 (Fed. Cir. Sept. 1, 1998).

The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989).** Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 has not been accepted. The notice filed September 19, 2002 is not signed by (1) a registered attorney or agent of record appointed in compliance with §1.34(b); (2) an assignee as provided under §3.71(b) or (3) all of the applicants (§1.41(b)) for patent, unless there is an assignee of the entire interest and such assignee has taken action in the application in accordance with §3.71. See 37 CFR §1.33.

Further correspondence with respect to this matter should be addressed as follows:

By mail: U.S. Patent and Trademark Office
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2201 South Clark Place
Crystal Plaza 4, Suite 3C23
Arlington, VA 22202

Telephone inquiries concerning this communication should be directed to Irvin Dingle at (703) 306-5684.



Irvin Dingle
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy